

HOUSE BILL 1356

By McDaniel

AN ACT to amend Title 53, Chapter 8 relative to fees; Title 62, Chapter 38 relative to fees; and Title 68, Chapters 14 and 110 relative to fees and creation of an advisory council.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE

SECTION 1. Tennessee Code Annotated, Section 53-8-214 is amended by deleting the existing language in subparagraphs (a)(1) in its entirety and by substituting the following therefor.

(1) Retail food stores that contain within the premises a food service establishment which prepares potentially hazardous food shall pay a permit fee in accordance with the following schedule.

| No. of Seats | July, 2001 | July, 2002 | July, 2003 |
|--------------|------------|------------|------------|
| 0-50 | \$100.00 | \$150.00 | \$210.00 |
| 51 and over | \$230.00 | \$300.00 | \$360.00 |

SECTION 2. Tennessee Code Annotated, Section 53-8-214 is further amended by deleting the existing subparagraph (a)(2) in its entirety and by substituting the following therefor.

(2) Retail food stores that contain within the premises a food service establishment which offers self-service foods and does not prepare potentially hazardous foods shall pay a permit fee of thirty-five (\$35.00) dollars; and

SECTION 3. Tennessee Code Annotated, Section 53-8-214 is further amended by deleting the existing subparagraph (a)(3) in its entirety and by substituting the following therefor.

(3) In addition to the fees in subparagraphs (1) or (2), all retail food stores shall pay an annual permit fee in accordance with the following schedule.

| July, 2001 | July, 2002 | July, 2003 |
|------------|------------|------------|
| \$25.00 | \$40.00 | \$50.00 |

SECTION 4. Tennessee Code Annotated, Section 53-8-214 is further amended by deleting the existing subparagraph “b” in its entirety and by substituting the following therefor.

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one half (1/2) the permit fee shall be added thereto.

If a check is returned for any reason, a penalty on one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

SECTION 5. Tennessee Code Annotated, Section 62-38-202 is amended by deleting in its entirety the last sentence in subparagraph “a” and is further amended by adding the following as new subparagraphs “j” , “k” , “l” and “m”.

(j) A tattoo studio shall pay a permit fee according to the following schedule.

| | | |
|------------|------------|------------|
| | 2. | |
| July, 2001 | July, 2002 | July, 2003 |
| \$140.00 | \$200.00 | \$280.00 |

(k) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty on one-half the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half the permit fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

(l) A percentage of permit fees collected within a contract county pursuant to Section 62-38-202 shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This percentage amount shall be calculated based upon actual fees collected in the contract county during the state’s preceding fiscal year in which the contract was entered. For fiscal years beginning July 1, 2001, July 1, 2002, and July 1, 2003, the amount to be contracted to local counties will be based on the state’s estimate which shall be based on the previous fiscal year’s actual collection plus the additional amount provided for herein. The percentages shall be according to the following schedule of fiscal years.

| | | |
|-----------|-----------|--------------------------|
| 2001-2002 | 2002-2003 | 2003-2004 and thereafter |
| 90% | 92% | 95% |

SECTION 6. Tennessee Code Annotated, Section 62-38-204(c) is amended by deleting the last sentence in subparagraph “c” and by substituting the following therefor.

3.

A tattoo artist, apprentice artist, and temporary artist shall pay an annual fee based on the following schedule.

| July, 2001 | July, 2002 | July, 2003 |
|------------|------------|------------|
| \$70.00 | \$100.00 | \$140.00 |

SECTION 7. Tennessee Code Annotated, Section 62-38-204(i) is amended by deleting the last sentence in subparagraph (i) and by substituting the following therefor.

A tattoo operator shall pay an annual fee based on the following schedule.

| July, 2001 | July, 2002 | July, 2003 |
|------------|------------|------------|
| \$70.00 | \$100.00 | \$140.00 |

SECTION 8. Tennessee Code Annotated, Section 62-38-204 is further amended by deleting the existing subparagraphs “j” and “k” in their entirety and by substituting the following as a new subparagraph “j” and by designating the remaining subparagraph appropriately.

(j) All fees shall be paid to the commissioner. If any fee is delinquent for more than thirty (30) calendar days, a penalty of one-half the fee shall be

added thereto. If a check is returned for any reason, a penalty of one-half the fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

4.

SECTION 9. Tennessee Code Annotated, Section 68-14-302 is amended by adding the following language as a new definition designated as number “13” and is further amended by renumbering the subsequent definitions appropriately.

(13) “Auxiliary food service operation” shall mean a designated area located within or adjacent to a food service establishment sharing common ownership and/or management and whose primary purpose is serving beverages. For determining the amount of the permit fee for the food service establishment associated with the auxiliary food service operation, all seating in the auxiliary food service operation shall be included in the seating count of the primary food service establishment.

SECTION 10. Tennessee Code Annotated, Section 68-14-303(7) is amended by deleting the existing subparagraph “F” in its entirety and by substituting the following as a new subparagraph “F” and by adding a new subparagraph “G”.

(F) All permit fees, fines, and penalties shall be deposited directly into the state treasury;

(G) Beginning with fiscal year 2004-2005, all fees under this chapter shall be reviewed biannually to determine the appropriateness and amount relative to the overall cost of the program.

SECTION 11. Tennessee Code Annotated, Section 68-14-303(7) is further amended by adding the following as a new subparagraph “H”.

(H) (i) A percentage of permit fees collected within a contract county pursuant to Sections 68-14-312 and 68-14-314 shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This percentage amount shall be calculated based upon actual fees collected in the contract county during the state’s preceding fiscal year in which the contract was entered. For fiscal years beginning July 1, 2001, July 1, 2002, and July 1, 2003, the amount to be contracted to local counties shall be based on the state’s estimate which shall be based on the previous fiscal year’s actual collection plus the additional amount provided for herein. The percentages shall be according to the following schedule of fiscal years.

| 2001-2002 | 2002-2003 | 2003-2004 and thereafter |
|-----------|-----------|--------------------------|
| 90% | 92% | 95% |

(ii) After June 30, 2004, no contract county currently charging a local permit fee shall charge a local permit fee. Between July 1, 2001, and June 30, 2004, contract counties currently charging a local permit fee shall reduce the local permit fee by the same amount as the state’s fee increase for each respective year. By July 30 of each year, each contract county shall provide a report to the commissioner for the preceding fiscal year documenting the total cost relative to carrying out the provisions of the contract and the amount of state and local permit fees collected. The report shall be on a

form provided by the commissioner.

SECTION 12. Tennessee Code Annotated, Section 68-14-304 is amended by deleting the existing language in its entirety and by substituting the following therefor.

6.

All monies coming into the state treasury under this part from fees, fines, and penalties shall be appropriated to the department of health for the payment of necessary expenses incident to the administration of this part, as determined by the commissioner. Any unexpended balance of such fund in any fiscal year shall be retained by the department to be used to provide and/or expand training for food service operators and the department's environmentalists.

SECTION 13. Tennessee Code Annotated, Section 68-14-312 is amended by deleting the existing subparagraphs "a" and "b" and by substituting the following therefor.

(a) The permit fee to operate a hotel shall be in accordance with the following schedules.

| No. of Rooms | July, 2001 | July, 2002 | July, 2003 |
|--------------|------------|------------|------------|
| 1-50 | \$100.00 | \$130.00 | \$170.00 |
| 51-150 | \$180.00 | \$240.00 | \$320.00 |
| 151-250 | \$280.00 | \$380.00 | \$500.00 |
| 251 and over | \$370.00 | \$490.00 | \$650.00 |

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty fee of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto.

Each permit fee plus any penalty must be paid before the permit is issued.

SECTION 14. Tennessee Code Annotated, Section 68-14-313 is amended by deleting the existing subparagraphs(a)(1) in its entirety and by substituting the following therefor.

7.

(a) The permit fee to operate a food service establishment shall be in accordance with the following schedule.

| (1) No. of Seats | July, 2001 | July, 2002 | July, 2003 |
|------------------|------------|------------|------------|
| 0-50 | \$100.00 | \$150.00 | \$210.00 |
| 51 and over | \$230.00 | \$300.00 | \$360.00 |

(2) Auxiliary food service operations effective July, 2002.

| July, 2002 | July, 2003 |
|------------|------------|
| \$70.00 | \$100.00 |

SECTION 15. Tennessee Code Annotated, Section 68-14-313 is further amended by deleting the existing subparagraph (a)(2) in its entirety and by substituting the following therefor.

(3) Temporary food service establishments shall pay a permit fee of thirty dollars (\$30.00);

SECTION 16. Tennessee Code Annotated, Section 68-14-313 is further amended by deleting the existing subparagraph “b” in its entirety and by substituting the following therefor.

(b) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half (1/2) the permit fee shall be added thereto. The permit fee plus any penalty must be paid before the permit is issued.

8.

SECTION 17. Tennessee Code Annotated, Section 68-14-313 is further amended by deleting the existing language in subparagraph “c” and by substituting the following therefor.

(c) The permit shall be kept and displayed in a conspicuous manner, properly framed, and visually available to the public in the food service establishment for which it is issued.

SECTION 18. Tennessee Code Annotated, Section 68-14-314 is amended by deleting the existing subparagraphs (a)(1) and (a)(2) in their entirety and by substituting therefor the following.

(a)(1) The permit fee to operate a public swimming pool shall be based on the following schedule.

| July, 2001 | July, 2002 | July, 2003 |
|------------|------------|------------|
| \$150.00 | \$220.00 | \$340.00 |

(2) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half the permit fee shall be added thereto. The permit fee plus any penalty must be paid to the commissioner before the permit is issued.

SECTION 19. Tennessee Code Annotated, Section 68-14-511 is amended by deleting the existing subparagraph “a” in its entirety and by substituting the following therefor.

a. The permit fee to operate a bed and breakfast establishment shall be based on the following schedule.

| 9. | | |
|------------|------------|------------|
| July, 2001 | July, 2002 | July, 2003 |
| \$70.00 | \$100.00 | \$140.00 |

SECTION 20. Tennessee Code Annotated, Section 68-14-511 is further amended by deleting the existing subparagraph “b” in its entirety and by substituting the following therefor.

b. If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half (1/2) the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half the permit fee shall be added thereto. The permit fee plus any penalty must be paid to the commissioner before the permit is issued.

SECTION 21. Tennessee Code Annotated, Section 68-14-511 is further amended by deleting the existing subparagraph “(c)(1)” in its entirety and by substituting the following therefor.

(c)(1) A percentage of permit fees collected within a contract county pursuant this part shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This percentage amount shall be calculated based upon actual fees collected

in the contract county during the state's preceding fiscal year in which the contract was entered. For fiscal years beginning July 1, 2001, July 1, 2002, and July 1, 2003, the amount to be contracted to local counties shall be based on the state's estimate which shall be based on the previous fiscal year's actual collection plus the additional amount

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provided for herein. The percentages shall be according to the following schedule of fiscal years.

| 2001-2002 | 2002-2003 | 2003-2004 and thereafter |
|-----------|-----------|--------------------------|
| 90% | 92% | 95% |

SECTION 22. Tennessee Code Annotated, Section 68-14-511 is further amended by designating existing subparagraph "(c)(2)" as subparagraph "d".

SECTION 23. Tennessee Code Annotated, Section 68-110-103(c) is amended by deleting the existing subparagraph "c" in its entirety and by substituting the following therefor.

(c) The annual permit fee to operate an organized camp shall be in accordance with the following schedule. As used in this subsection, a travel camp site is a designated camping space which is equipped with utility connections.

| Type of Camp | July, 2001 | July, 2002 | July, 2003 |
|---------------------|------------|------------|------------|
| Day | \$60.00 | \$70.00 | \$80.00 |
| Resident | | | |
| 1-99 campers | \$ 60.00 | \$ 70.00 | \$ 80.00 |
| 100 or more campers | \$110.00 | \$130.00 | \$150.00 |

| | | | |
|------------------------|----------|----------|----------|
| Travel | | | |
| 1-25 camp sites | \$ 60.00 | \$ 70.00 | \$ 80.00 |
| 26-75 camp sites | \$ 80.00 | \$100.00 | \$120.00 |
| 76-150 camp sites | \$120.00 | \$140.00 | \$170.00 |
| 151-250 camp sites | \$180.00 | \$200.00 | \$230.00 |
| 251 or more camp sites | \$230.00 | \$260.00 | \$310.00 |
| Primitive | \$60.00 | \$70.00 | \$80.00 |

11.

SECTION 24. Tennessee Code Annotated, Section 68-110-103 is further amended by deleting the existing subparagraph “d” in its entirety and by adding the following as a new subparagraph “d”, a new subparagraph “e”, and a new subparagraph “f”.

(d) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one-half the permit fee shall be added thereto. If a check is returned for any reason, a penalty of one-half the permit fee shall be added thereto. The permit fee plus any penalty must be paid to the commissioner before the permit is issued.

(e) The permit shall be kept and displayed in a conspicuous manner, properly framed, at the organized camp for which it was issued.

(f)(i) A percentage of permit fees collected within a contract county pursuant to this part shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This percentage amount shall be calculated based upon actual fees collected in the contract county during the state’s preceding fiscal year in which the contract was entered. For fiscal years beginning July 1, 2001, July 1, 2002, and July 1, 2003, the amount to be contracted to local counties shall be based on the state’s estimate which shall be based on the previous fiscal year’s actual collection plus the additional amount provided for herein. The percentages shall be according to the following schedule of

fiscal years.

| 2001-2002 | 2002-2003 | 2003-2004 and thereafter |
|-----------|-----------|--------------------------|
| 90% | 92% | 95% |
| 12. | | |

(ii) After June 30, 2004, no contract county currently charging a local permit fee shall charge a local permit fee. Between July 1, 2001, and June 30, 2004, contract counties currently charging a local permit fee shall reduce the local permit fee by the same amount as the state's fee increase. By July 30 of each year, each contract county shall provide a report to the commissioner for the preceding fiscal year documenting the total cost relative to carrying out the provisions of the contract and the amount of state and local permit fees collected. The report shall be on a form provided by the commissioner.

SECTION 25. Tennessee Code Annotated, Title 68, Chapter 14 is amended by adding the following as a new Part 6.

(a) The commissioner shall appoint an advisory committee to provide advice to the department concerning the permitting and regulating of food service establishments, hotels, public swimming pools, and bed and breakfast establishments. The committee shall meet at least two (2) times per year at the call of the commissioner.

(b) In addition to the commissioner or the commissioner's designee, the advisory committee shall be composed of the following individuals:

(1) the commissioner of the department of agriculture or that commissioner's designee;

(2) the president or the president's designee of the Tennessee Hotel and Lodging Association;

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(3) the president or the president's designee of the Tennessee Restaurant Association;

(4) a restaurant or food service establishment operator;

(5) a hotel or motel operator;

(6) the president or the president's designee of the Tennessee Bed and Breakfast Innkeepers Association;

(7) The president or the president's designee of the Tennessee Grocers Association;

(8) the president or the president's designee of the Tennessee Oil Marketers Association; and

(9) two (2) members of the general public.

(c) The commissioner shall serve as chair of the committee. Each member appointed by the commissioner shall serve a one (1) year term. Any member appointed to fill a vacancy on the committee shall serve the remainder of the term created by the vacancy.

SECTION 26. This act shall take effect upon becoming law, the public welfare requiring it.

14.